



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/160873

PRELIMINARY RECITALS

Pursuant to a petition filed September 24, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on October 16, 2014, at Kenosha, Wisconsin.

There remains no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Karen Mayer

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. Prior to August 2014 Petitioner received BadgerCare (BC) Plus.

3. On August 26, 2014 Petitioner informed the agency that she obtained employment. She provided four check stubs. Based upon those four paychecks, Petitioner worked an average of 32.3 hours per week with a pay rate of \$8 per hour. The agency determined that her monthly gross income was \$1,033.60. This was over the \$972.50 program limit for BC Plus.
4. On August 29, 2014 the agency sent Petitioner a notice stated that she was no longer eligible for BC Plus effective October 30, 2014.
5. On September 26, 2014 the Division of Hearings and Appeals received Petitioner's request for fair hearing.
6. Petitioner's employer sent in a letter stating that she was hired to work 30 hours per week.
7. At the hearing Petitioner testified that the 32.3 hours per week was an anomaly. She had extra hours those weeks because she was training. She now only works 30 hours per week.
8. Petitioner provided the agency updated paystubs showing she is working 30 hours per week at \$8 per hour. The agency then re-determined Petitioner's eligibility for BC Plus. The agency concluded that Petitioner was eligible and reports that she is open with no gaps in coverage.

DISCUSSION

There remains no issue for determination at this point. Petitioner was receiving BC Plus benefits prior to August 2014. In August 2014 Petitioner obtained employment. The agency originally thought that Petitioner's employment put her over the income limit for the BC Plus program. However, the agency re-determined Petitioner's eligibility based on more recent paystubs. They determined that she was eligible for BC Plus coverage. Her benefits remain open and she has not had any gaps in coverage.

CONCLUSIONS OF LAW

The agency correctly re-determined Petitioner's eligibility for BC Plus based on more recent paystubs, and therefore there remains no issue for determination.

THEREFORE, it is

ORDERED

That the Petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 21st day of October, 2014

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 21, 2014.

Kenosha County Human Service Department
Division of Health Care Access and Accountability